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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LOUISA THURSTON,  
Plaintiff,

Case No.: 2:10-cv-00516-LRH-RJJ

v.  
CITY OF NORTH LAS VEGAS;  
NORTH LAS VEGAS POLICE  
DEPARTMENT a political subdivision of  
the STATE OF NEVADA; DETECTIVE  
PAUL FREEMAN; DETECTIVE WATKINS;  
SGT. MICHAEL WALLER; OFFICERS  
TAYLOR, ROCKWELL AND SCARALE,  
individually and in their capacity as police  
officers employed by the City of North Las  
Vegas Police Department; Doe Officers IV  
through X, inclusive and JOHN DOES I  
through X, inclusive.

Defendants.

/

**MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS'**  
**RESPONSE TO PLAINTIFF'S EMERGENCY MOTION TO COMPEL**

COMES NOW, Plaintiff, LOUISA THURSTON, by and through her counsel of record,  
and hereby moves this Honorable Court for an addition severn (7) day enlargement of time to  
submit her Reply to Defendants' response to Plaintiff's Emergency Motion to Compel.

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1 This motion is made and based upon the papers and pleadings on file herein and the  
2 affidavit of counsel attached hereto.

3 DATED this 29<sup>th</sup> day of December, 2010.

4 POTTER LAW OFFICES

5 By /s/ John C. Funk, Esq.  
6 CAL J. POTTER, III, ESQ.  
7 Nevada Bar No. 1988  
8 JOHN C. FUNK, ESQ.  
9 Nevada Bar No. 9255  
1125 Shadow Lane  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiff*

10 **INTRODUCTION**

11 Plaintiff hereby requests an extension of time of seven (7) days to submit her Reply to  
12 Defendants' Response to Plaintiff's Emergency Motion to Compel pursuant to Local Rule 6-1  
13 and FRCP 6(b).

14 This motion is made and based upon the following reasons:

15 (1) The current Response is due December 30, 2010. Plaintiff's counsel recently  
16 underwent photorefractive keratectomy (PRK) surgery on December 18, 2010  
17 which is a more aggressive and more invasive procedure than traditional Lasik eye  
18 surgery. As part of the PRK process the laser cuts through the cornea and the  
19 patient has to regrow the cornea which requires a longer recovery period. That  
20 Plaintiff's counsel has had vision problems and is currently under the care of his  
21 physician and has been unable to drive.

22 (2) That Plaintiff's counsel was out of the office for an entire week and attempted to  
23 return to his work duties on December 27, 2010 and had to have his runner  
24 transport him and Plaintiff's counsel learned his near vision was also  
25 compromised as a result of the PRK procedure and reading causes significant  
26 strain and discomfort.

27 (3) Plaintiff's counsel has a follow up appointment with his doctor on December 30,  
28 2010 to address the eye pain, discomfort, vision problems, which include double

1 and blurred vision both distant and near.

2 **DECLARATION OF JOHN C. FUNK, ESQ.**

3 COUNTY OF CLARK )  
4 STATE OF NEVADA ss. )  
 )

5 CAL J. POTTER, III, ESQ., being first duly sworn, and says:

6 1. That your Declarant is duly licensed to practice law in the State of Nevada and  
7 admitted to practice before this Honorable Court;

8 2. That in that capacity your Declarant represents the Plaintiff, Louisa Thurston;

9 3. The current Response is due the on Thursday, December 30, 2010 and your  
10 Declarant asks for an additional seven days to respond.

11 4. That your Declarant recently underwent photorefractive keratectomy (PRK)  
12 surgery on December 18, 2010 which has affected both near and far sighted vision  
13 in both eyes resulting in significant dryness of the eyes, blurring and double vision  
14 making reading a significant strain, painful and very difficult.

15 5. That your Declarant has a follow up appointment with his doctor on December 30,  
16 2010 to address the ongoing pain, discomfort, blurred and double vision which  
17 has caused significant sleep deprivation.

18 6. That Plaintiff's other counsel, CAL J. POTTER, III, ESQ., has been working on a  
19 brief which is also due and has been unable to assume your Declarant's  
20 responsibilities.

21 7. Your Declarant seeks a one week extension of time in order to submit the  
22 Plaintiff's Reply to Defendants' response to Plaintiff's Emergency Motion to  
23 Compel.

24 Further Declarant sayeth naught.

25 /s/ John C. Funk, Esq.  
26 JOHN C. FUNK, ESQ.  
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## **CONCLUSION**

For the reasons stated above as well as those in Plaintiff's counsel's Declaration, Plaintiff respectfully requests that this Honorable Court grant a seven (7) day extension to Reply to Defendants' Response to Plaintiff's Emergency Motion to Compel which is currently due on December 30, 2010 until January 6, 2011.

DATED this 29<sup>th</sup> day of December, 2010.

## POTTER LAW OFFICES

By /s/ John C. Funk, Esq.  
CAL J. POTTER, III, ESQ.  
Nevada Bar No. 1988  
JOHN C. FUNK, ESQ.  
Nevada Bar No. 9255  
1125 Shadow Lane  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiff*

IT IS SO ORDERED.

Robert M. Johnston

UNITED STATES MAGISTRATE JUDGE

DATE: DEC. 29, 2010